

RECEIVED
CENTRAL FAX CENTER

FEB 24 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Group Art Unit: 1631
)	
McDONOUGH <i>et al.</i>)	Examiner: Marschel, A.
)	
Serial No. 08/480,472)	Atty. Docket No. GP034-03.DV1
)	
Filed: June 6, 1995)	Confirmation No. 9286
)	
For: NUCLEIC ACID SEQUENCE)	VIA FACSIMILE
AMPLIFICATION)	

OFFICIAL

REQUEST FOR RECONSIDERATION & INTERVIEW SUMMARY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Final Action mailed on December 29, 2003, Applicants respectfully request reconsideration based on the remarks set forth below. These remarks summarize the substance of a telephone interview between Applicants' representative and the Examiner today.

The rejection of claims 39-41, 67-73, 84, 86, 88-90, 92, 98, 150, 158-162, 168, 173, 176, 180-184, 186, 192-194, 197, 198, 204-213 and 222-226 under 35 U.S.C. § 103(a) as being unpatentable over Boddinghaus *et al.* (*J. Clin. Microbiol.* (1990) 28:1751) taken in view of Suzuki *et al.* (*J. Bact.* (1988) 170(6):2886) was maintained by the Examiner. Boddinghaus was cited by the Examiner for "generically suggesting and motivating the preparation of probes and/or primers to distinguish microorganisms via sequence differences," and Suzuki was cited for disclosing sequence differences which "in combination with the . . . Boddinghaus *et al.* motivation and suggestion to make probes and/or primers therefrom results in a series of optional probe and/or primer species." See Final Action at page 3, lines 16-26. Applicants respectfully submit that the Examiner's characterization of the combined teachings of the references is improper because it fails to consider the references in their entirety. See MPEP § 2141.02 at 2100-122 (8th ed., Rev. February 2003).

Page 1 of 3

INT SUM OK
AM 6-11-04